

**Remarks:**

Claims:

Claims 31-70 were pending, and subject to a five (5) way Restriction Requirement.

By the present amendment, claims 32-35, 40-59, 63-64, 66-67 and 70 have been cancelled without prejudice; claims 31 and 60-62 have been amended to more particularly and distinctly claim the subject matter of Applicants' invention; and claim 71 has been added to more particularly and distinctly claim an embodiment of the invention. Claims 31, 36-39, 60-62, 65, 68-69 and 71 are pending.

Support for the amendments is apparent or is as described below. Support for recombinant polypeptide in claim 71 can be found at, for example, page 1, line 8; page 3, lines 14-17; page 7, lines 13-19; and page 8, lines 13-17. No new matter is added.

Restriction / Distinct Inventions:

Applicant hereby elects prosecution with respect to SEQ ID NO: 2 with traverse. The Examiner asserts that the disclosed sequences share no common structure, function or property. Applicant respectfully disagrees.

Applicant notes that the polypeptides are presented as a Markush grouping. As such, at issue is Rule 13 of the PCT regulations as applied to "Markush Practice" under Annex B of the PCT Administrative Instructions (see also MPEP 1850, D). Applicant respectfully notes that the SEQ ID NOs 2, 4 and 6 represent chemical alternatives that are of a similar nature. In particular, Applicant notes that SEQ ID NOs 2, 4 and 6 share a common property, i.e., the ability to detect immune response to a BASB030 polypeptide and *Neisseria meningitidis* infection, and each of SEQ ID NOs 2, 4 and 6 (alternatives) share significant structural features. The common structural features, for example, are presented as % pairwise identity in Table 2 at page 51 of the application and in the alignment of Figure 2. The pairwise identities of SEQ ID NOs 2, 4 and 6 are at least 97.4%, 96.9 or 99.3. Thus, Applicant submits that the criteria for the alternatives (SEQ ID NOs 2, 4 and 6) being of similar nature are fulfilled. Reconsideration of the restriction requirement is respectfully requested.

*In the Specification:*

Applicants have added a section entitled, "Brief Description of the Drawings," and the recitation of "What is claimed is:" in the claims section to secure consistency with MPEP 608.01(a). The description of the drawings comport with the enclosed replacement figures (see below). Support for the descriptions of the drawings can be found in the figures as filed. No matter is added.

*In the Drawings:*

Replacement of the figures of record in the application with the concurrently filed replacement figures is respectfully requested. The figures have been amended to comply with 37 CFR 1.84. No new matter has been added.

Figure 1 has been relabeled as Figures 1A-1H, and the title text has been removed. Figure 2 has been relabeled as Figures 2A-2C, and the title text has been removed. Applicant has also submitted improved copies of Figures 3-8. No new matter has been added.

**FEE DEFICIENCY**

- ☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 50-0258.

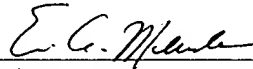
**and/or**

- ☒ If any additional fee is required for consideration of this paper, please charge Account No. 50-0258.

**Closing Remarks**

Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claims are earnestly solicited.

Respectfully submitted,



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